

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Annual Reports for the Year Ended December 31, 2002, Filed by
Commercial Mobile Radio Service Providers on a Confidential Basis

RE: PSC Control Nos. 24080, 24081, 25691, 25693, 25694, 25695, 25735, 25736, 25737,
25760, and 25761

CONFIDENTIALITY DETERMINATION

On February 24, 2003, the Public Service Commission (Commission) issued a document entitled "Information Regarding Confidential Filings" concerning the 2002 Commercial Mobile Radio Service Provider (CMR) annual report. The document detailed the filing process associated with the 2002 CMR annual report¹ as well as previous confidentiality rulings concerning CMR annual reports.²

On April 1, 2003, AT&T Wireless Services of Minnesota, Inc., (AT&T Wireless) (entity 266) submitted written applications seeking confidential treatment of certain information in its 2002 CMR annual report. The information is filed under document PSC control numbers 25735 and 25760.

¹ The February 24, 2003, document noted that the 2002 CMR annual report could be filed using one of two procedures: 1) File the entire report on a public basis using the annual report program's e-mail capabilities; or 2) Submit a request for confidential handling, in accordance with Wis. Admin. Code § PSC 2.12, in conjunction with a manual filing of the report. A manual filing consists of two completed Confidentiality Request forms, two notarized affidavits, confidential hard copy pages, a confidential diskette containing annual report program files, and a complete public version of the 2002 report, the latter which is posted on the Commission's web page.

² The document noted that, subsequent to the Commission's denial of confidentiality requests concerning information contained in the 2001 CMR annual report, a number of companies sought judicial review or filed a petition for reconsideration and stay of the Commission's determination. The Commission voluntarily stayed its determination pending the outcome of those court cases, which are still pending in the Dane County Circuit Court, and/or any subsequent related Commission action.

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On March 31, 2003, SprintCom, Inc., (entity 5665) submitted written applications seeking confidential treatment of certain information in its 2002 CMR annual report. The information is filed under document PSC control numbers 25691 and 25693.

On March 31, 2003, Sprint Spectrum L.P. (entity 7146) submitted written applications seeking confidential treatment of certain information in its 2002 CMR annual report. The information is filed under document PSC control numbers 25694 and 25695.

On April 1, 2003, TeleCorp Communications, Inc., (TeleCorp) (entity 8029) submitted written applications seeking confidential treatment of certain information in its 2002 CMR annual report. The information is filed under document PSC control numbers 25736 and 25761.

On April 1 and May 19, 2003, AT&T Wireless PCS, LLC (entity 8212) submitted written applications seeking confidential treatment of certain information in its 2002 CMR annual report. The information is filed under document PSC control numbers 24080, 24081, and 25737.³

In particular, the above-referenced companies seek confidential treatment for the Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information on p. 6 of their respective 2002 CMR annual reports. For the reasons stated herein, confidential treatment for the above specifically identified data is **GRANTED** on a provisional basis, without consideration of the merits of the arguments of any company contained in respective affidavits accompanying the 2002 CMR annual reports, based on the current pending status of related court cases.

³ Confidentiality Request Nos. 25737 (April 1, 2003) and 24080 and 24081 (May 19, 2003).

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The Commission has the authority to compel the submittal of this information pursuant to Wis. Stat. §§ 196.202 and 196.218 and Wis. Admin. Code ch. PSC 160. This confidentiality determination is made pursuant to Wis. Admin. Code § PSC 2.12.

All of the above-referenced companies are Commercial Mobile Radio Service Providers (CMRSs) which are required to file a CMR annual report with the Commission. The statutory filing date for the CMR annual report covering 2002 calendar year operations was April 1, 2003; 60 CMRSs were required to file this report for the 2002 calendar year.⁴

Confidential treatment of Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information in the above-referenced companies' 2002 CMR annual reports is **granted** on a provisional basis. Trade secret status for such information under Wis. Stat. §§ 19.36(5) and 134.90(1)(c), as claimed by some companies, is likewise **granted** on a provisional basis.

Pursuant to its jurisdiction under Wis. Stat. §§ 196.02(1), 196.14, and other provisions of Wis. Stat. ch. 196 and Wis. Stat. §§ 19.32-.39, as may be pertinent hereto, the Commission grants provisional confidential treatment to the above-referenced companies' Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information contained in their 2002 CMR annual reports. This action will maintain the status quo and avoid unnecessary litigation, pending the outcome of any related court cases and Commission action.

⁴ As of the date of this determination, 26 of the 60 CMRSs have actually filed the 2002 CMR annual report with the Commission.

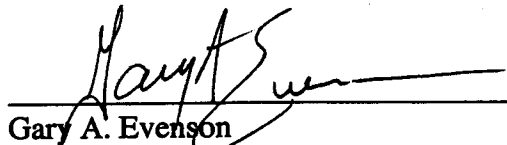
2002 CMR Annual Report Confidentiality Determination

This confidentiality determination is not a final determination under the Public Records law; it is the Commission's decision for purposes of managing its files. This confidentiality determination does not prejudice the right of any person to submit a public records request to inspect the contents of the filings subject to this determination.

This order is effective upon mailing.

Dated at Madison, Wisconsin, 8 July 2003

For the Commission:



Gary A. Evenson
Acting Administrator
Telecommunications Division

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See attached Notice of Appeal Rights

2002 CMR Annual Report Confidentiality Determination

Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 9/28/98